

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

IN RE COLUMBIA/HCA HEALTHCARE)	
CORP. <i>QUI TAM</i> LITIGATION)	
(Formerly JPMDL No. 1307))	Civ. A. No. 01-MS-50 (RCL)
)	
)	ALL CASES:
)	99-3288; 99-3289; 99-3290; 99-3291;
)	99-3292; 99-3293; 99-3294; 99-3295;
)	99-3296; 99-3297; 99-3298; 99-3299;
)	99-3300; 99-3301; 99-3302; 99-3303;
)	99-3304; 99-3305; 99-3306; 99-3307;
)	99-3308; 99-3309; 99-3310; 99-3311;
)	99-3312; 99-3338; 00-1845; 00-1846;
)	00-2581; 00-2584
)	

UNITED STATES' STATUS REPORT

Pursuant to the Court's Order of January 30, 2001, the United States submits this Status Report. In previous Status Reports submitted to the Court through October 15, 2001, the United States set forth detailed individual case summaries and described pending motions. Beginning in November 2001, in order to streamline the format of this report and to avoid repetition of previous reports, the United States summarized overall case status and reported only the significant developments in each case that occurred since the prior report had been filed.

The most significant matter to report at this time is in the *Alderson* and *Schilling* cases. On January 30, 2002, HCA filed a Motion for Protective Order, seeking an order compelling the United States to inform HCA witnesses of their status as subjects or targets of a pending criminal investigation before they are deposed, or, alternatively, delaying all depositions until August 2002. In doing so, HCA has refused to produce its witnesses for deposition, pending the outcome of its motion; to date, some fifty-five fact witnesses have not been produced. The

United States and relators opposed the motion, and it is fully briefed. All parties have requested expedited consideration, which is especially important given the June 2002 close of fact discovery ordered by this Court. In the past several days, HCA has noticed its own depositions of four FRCP 30(b)(6) fiscal intermediary witnesses to take place in the next month, illustrating the need for resolution of HCA's Motion in order to allow bilateral discovery to take place. The United States respectfully submits that a decision on this motion is critical to the progress of this litigation.

I. SUMMARY

The United States filed and served complaints in eight *qui tam* cases:

Alderson/Schilling (the cost report fraud cases), *Parslow/Lanni* (the wound care cases), *Thompson/King/Mroz* (the physician kickback cases), and *Marine* (single-issue cost report case). HCA has answered all of those complaints.

Regarding the matters or claims in which the United States has declined to intervene, the United States has been advised that HCA and other named defendants have been served with complaints containing declined allegations in the following cases: *Adams, Barrett, Alderson/Schilling, Atchison TX, Atchison TN, Hampton, Hockett, Marine, McCready, Ortega, Pogue, and Scussel*.

A. Pending Motions To Dismiss or Strike

Several motions to dismiss and strike are pending in the various matters: the United States' motions to dismiss certain relators under the FCA, defendants' motions to dismiss claims under FRCP 9(b), defendants' and the United States' motions to dismiss claims and counterclaims under FRCP 12(b)(1) and 12(b)(6), and the United States' motions to strike HCA's affirmative

defenses under FRCP 12(f).

1. Motions To Dismiss Relators

In addition to filing complaints in certain cost report fraud and physician kickback matters, the United States has filed motions or suggestions of dismissal in certain declined matters involving cost report fraud and physician kickback allegations where it appears that a relator's claims are barred by the first-to-file rule or the public disclosure bar of the FCA. Those motions are fully described in the previous reports and nothing further has occurred in the past thirty days.

2. Motions to Dismiss Claims under FRCP 9(b) or Similar Grounds

HCA and other defendants have moved to dismiss several of the declined cases on the grounds that relators' complaints failed to meet the particularity requirements of FRCP 9(b). Nothing additional has occurred in the past thirty days.

3. Motions To Dismiss Claims and Counterclaims under FRCP 12(b)(1) and FRCP 12(b)(6)

HCA has filed motions to dismiss both the declined *Barrett* and *Ortega* actions on the grounds that they fail to state claims on which relief may be granted under FRCP 12(b)(6).

4. Motions To Strike under FRCP 12(f)

Motions to Strike Affirmative Defenses have been filed by the United States in each of the intervened cases, to which HCA responded and filed Amended Answers withdrawing, clarifying and in some cases adding various affirmative defenses. The motions have been fully briefed.

5. Motion to Deposit Money Into Court

In the cost report fraud cases and *Marine*, the United States moved for leave to deposit into the registry of the Court certain amounts that are the subject of the United States' fraud claims. The motions have been fully briefed.

B. Status of Discovery

The Court has entered scheduling orders in the cost report fraud cases and the *Marine* case, setting discovery deadlines for the initial phase of discovery and providing for the close of fact discovery by June 2002. Although written discovery in those matters is ongoing, HCA's Motion for a Protective Order has, to date, prevented depositions of fifty-five current and former HCA employees. In contrast, HCA on April 11 noted the Rule 30(b)(6) depositions of CMS fiscal intermediary witnesses to be conducted within the next thirty days. All parties have joined in requesting an expedited resolution of HCA's Motion for a Protective Order.

Although the Court has not yet entered a scheduling order in the physician kickback or the wound care cases, discovery in those matters has commenced and is ongoing.

The Court has entered scheduling orders in each of the cases with declined claims (noted above), and discovery has been stayed in most of those cases until the Court rules on pending motions to dismiss.

1. Discovery Motions

Three discovery motions have been filed in the cost report fraud cases (*Alderson/Schilling*). On January 30, 2002, HCA filed its Motion for a Protective Order under FRCP 26(c) that seeks to require the United States to notify each of the scheduled deponents whether they are subjects or targets of the criminal investigation or, alternatively, to postpone until August 2002 virtually all depositions of HCA witnesses (current and former) in the cost

report fraud cases. In February, the United States and relators opposed and sought expedited review of HCA's motion. HCA filed a reply. On March 27, HCA filed a Supplemental Memorandum in support of its motion in which it joined with the plaintiffs' request for expedited consideration of the motion and advised the Court of a March 22, 2002, Eleventh Circuit decision reversing the criminal convictions of two HCA executives. The United States and relators each filed responses to HCA's supplemental memorandum.

Related to the issues presented by HCA's motion for a protective order, on February 26, 2002, on motion of the deponent (a former HCA employee), the United States District Court of the District of Nevada entered an order staying the deposition of a witness in the *Alderson/Schilling* cases pending this Court's decision on the motion for protective order filed by HCA. On that same date, relators and the United States filed a joint praecipe with this Court informing the Court of the proceeding in Nevada.

On December 21, 2001, the United States filed a Motion to Obtain Full Responses to Requests for Admissions from HCA seeking complete responses to certain of the United States' requests for admission to HCA. On February 11, 2002, relators filed a motion to compel production of documents from HCA relating to Samuel A. Greco. Briefing on both of those motions is complete.

In *Parslow*, one of the wound care cases, on October 25, 2001, relator Parslow filed a Motion to Use Certain Wound Care Related Documents in the Prosecution of his Claim or for an Order to Submit Documents for *In Camera* Review. The United States filed a statement of interest in support of relator's motion. HCA opposed relator's motion, and filed a motion to file its response under seal. Both relator and the United States opposed HCA's motion to file its

response under seal. On February 1, 2002, HCA filed a response to the United States' statement of interest and on February 4, 2002, HCA filed a supplemental motion to seal certain attachments to the United States' statement of interest. On February 15, the United States and relator Parslow filed a response in opposition to HCA's most recent motion. Briefing on this issue is complete.

On February 26, relator in the *Marine* case filed an unopposed motion seeking a three-month extension of time in which to serve discovery on the declined claims.

In the declined *Pogue* matter, due to a variety of ongoing disputes, limited discovery of defendants and third-parties has occurred since the entry of a discovery order in September 2001. Relator on February 22 filed a motion to compel discovery from the defendant Diabetes Treatment Centers of America ("DTCA"). Briefing on that motion is now complete, but relator's counsel has advised that relator anticipates filing similar motions to compel discovery from HCA and from DTCA's corporate parent. On March 26, relator filed a motion to replace the transferee court's Protective Order governing trade secret and other confidential business information with a form of order consistent with that submitted by the United States and HCA to govern the intervened cases in this MDL. The HCA-hospital defendant in the case filed an opposition to the motion on April 8. On March 27, Relator and Defendants jointly filed a proposed Protective Order to govern the production of protected health information. On April 4, the United States filed a Praecipe notifying the Court of its concerns that certain provisions prevented it from gaining access to documents designated under the Order, and proposing language to be inserted in the Order to accommodate such concerns. Relator and the HCA-hospital defendant have no objection to the insertion of the United States' proposed language; Defendants DTCA and Atlanta Physicians have not yet advised as to their position regarding a revised order. The HCA-

hospital defendant has advised Relator that it will not produce documents containing protected health information until entry of this Order and will then only produce documents by providing relator access and an incomplete index to a collection of hospital documents moved to a warehouse from the now closed hospital.

In the declined *Hockett* matter, relator on April 12, 2002, filed an emergency motion with this Court seeking leave to depose relator Debra Hockett on April 17, 2002, alleging she is gravely ill and that an expedited deposition was necessary to preserve her testimony. HCA responded on April 15, 2002, objecting to the April 17 date but offering the week of April 29 as an alternative.

2. Confidentiality Orders, Corporate Ownership Issues and Service Protocols

The United States and HCA have reached agreement on certain overarching discovery issues. Protective orders have been submitted to the Court governing the disclosure of health information by the United States to HCA and governing the disclosure of trade secrets or other confidential research, development or commercial information within the meaning of FRCP 26(c)(7); provisions of the latter order on which the parties could not reach agreement were submitted to the Court for decision. As noted above, similar protective order issues in *Pogue* have been the subject of at least one dispute between HCA and the relator, however. In addition, the United States has negotiated and submitted to the Court a protective order to govern discovery from third parties regarding trade secrets or other confidential research, development or commercial information within the meaning of FRCP 26(c)(7). The United States and HCA have entered into a stipulation regarding HCA corporate ownership issues. Additionally, the United States filed a motion with the Court regarding service procedures and the service list to be

employed in this MDL proceeding, to which all parties in this MDL proceeding consented, except for relator Marine.

3. Summary

Written discovery in all the intervened matters has commenced. Depositions have been noticed by plaintiffs in the cost report fraud cases and one HCA FRCP 30(b)(6) witness was deposed, but depositions of HCA witnesses have all but halted due to HCA's assertion that it does not intend to make additional witnesses available until the Court has ruled on HCA's motion for protective order (discussed above). On April 4 and 5, the United States took a FRCP 30(b)(6) deposition of a third party relating to the cost report fraud cases.

In the declined matters, the scheduling orders provide that discovery is stayed until the Court rules on pending motions to dismiss, except for the *Pogue* case. In *Pogue*, discovery had commenced prior to transfer and the scheduling order provides for discovery to re-commence. However, as noted above, relator's efforts to actually take discovery have met with significant resistance from defendants.

C. Summary of Settlement Activity this Month

The United States and HCA met in March to discuss the possible resolution of the cost report, wound care and kickback litigation. No agreement has been reached. The parties are exploring ways of continuing settlement negotiations.

The United States and HCA have reached a tentative settlement of intervened claims in the *Marine* matter, subject to obtaining necessary approvals within the Department and the negotiation of a settlement agreement.

The United States and defendant Curative have reached a settlement of the allegations

pertaining to Curative in the *Parslow* matter, which resulted in entry of a stipulation of dismissal of a related case in the United States District Court for the Southern District of New York and the filing of a stipulation to dismiss Curative from the *Parslow* action in this Court on January 7, 2002, which remains pending.

The Center for Medicare and Medicaid Services (CMS) has engaged in settlement negotiations with HCA concerning certain administrative cost report issues but no final agreement has been reached.

II. CASE SUMMARIES

For additional background information concerning each case, the Court is referred to the October 15, 2001 status report submitted by the United States. Set forth below are the status and developments that have occurred in each pending MDL matter in the past month, grouped by (1) those related cases in which the United States has intervened and (2) the remaining cases in which the United States either has declined to intervene, has settled, or that have been dismissed by the Court.

A. Intervened Cases

1. Cost Report Cases

U.S. ex rel. Alderson v. Columbia/HCA Healthcare Corp., et al., No. 99-3290 and

U.S. ex rel. Schilling v. Columbia/HCA Healthcare Corp., et al., No. 99-3289.

Status: These related cases allege that HCA defrauded the government through the submission of cost reports that contained costs that the company knew to be unallowable.

There are a number of pending motions in this matter. The United States has filed a

motion to strike HCA's affirmative defenses, motion to dismiss HCA's counterclaims, and a motion for leave to deposit into the registry of the Court certain amounts that are the subject of the United States' fraud claims. The motions are fully briefed. Regarding the United States' motion to dismiss HCA's counterclaims, the United States submitted a Declaration in the course of the briefing of that motion representing that CMS was committed to having its fiscal intermediaries (FIs) process certain HCA cost reports through to the issuance of Notices of Program Reimbursement (NPRs) and jurisdictionally proper administrative appeals as well as supporting the Provider Reimbursement Review Board's (PRRB) processing of jurisdictionally proper appeals. On April 9, 2002, the United States filed a Notice To The Court in which it informed the Court that as a result of the negotiations between CMS and HCA regarding certain, administrative cost report issues, and pending execution of a final administrative agreement pursuant to those negotiations or upon further notice from CMS to HCA, CMS and HCA have agreed that no NPRs, revised NPRs, or tentative settlements will be issued with respect to any of the cost reports addressed in the declaration; that the FIs will not process administrative appeals to the FIs with respect to any of those cost reports; and that CMS and HCA will stipulate to a stay before the PRRB with respect to appeals to the PRRB of any of those cost reports.

There also are discovery motions pending and briefing is complete on each of them. The United States filed a motion to obtain full responses to requests for admission from HCA, which HCA opposed. On January 30, 2002, HCA filed its Motion for a Protective Order (discussed above) and expedited review has been requested by all parties. On February 11, 2002, relators filed a motion to compel documents from HCA relating to Samuel A. Greco.

On or about February 6, 2002, relator Schilling filed a third amended complaint and

relator Alderson filed a fifth amended complaint.

The parties have exchanged various written discovery requests and responses and have periodically filed stipulations with the Court noting extensions of time for certain responses. Depositions have been noticed by plaintiffs in the cost report fraud cases and one HCA 30(b)(6) witness deposed, but depositions of HCA witnesses have all but halted (discussed above). HCA also has said that it will make 30(b)(6) witnesses available to testify only as to limited subject matters - a restriction that the United States believes is unworkable. The parties have had extensive discussions about the future scheduling, location and order of depositions should the Court deny HCA's motion for a protective order. On April 4 and 5, the United States and relators took a 30(b)(6) deposition of a third party relating to the cost report fraud cases.

Expected activity this month: The United States expects written discovery and depositions of third party witnesses to continue. Depositions of HCA witnesses have halted at the instance of HCA, as discussed above.

Status of settlement negotiations and expected settlement activity this month: HCA made a presentation to the United States and relators in March purporting to respond to a portion of the presentations made by the United States on November 1, 2000 and April 11, 2001. HCA has since provided the United States with additional information and the United States is assessing that information. It is expected that settlement discussions will continue.

U.S. ex rel. Marine v. Columbia/HCA, et al., No. 00-1845

Status: This case concerns allegations regarding the misallocation of home health service costs by HCA hospitals.

The parties have reached a tentative settlement of the intervened claim in this matter, subject to required approvals within the Department and negotiation of a settlement agreement.

Absent settlement, there are three pending motions in this matter. The United States has filed a motion to strike HCA's affirmative defenses, a motion to dismiss HCA's counterclaims, and a motion to deposit money into the Court.

Relator Marine has filed an unopposed motion to extend the time for serving discovery on the declined claims by three months.

Expected activity this month: The United States expects to seek required approvals within the Department regarding the proposed settlement and to negotiate a settlement agreement. Absent settlement, discovery will continue.

Status of settlement negotiations and expected settlement activity this month: The parties have reached a tentative settlement of the intervened claim in this matter, subject to required approvals within the Department and negotiation of a settlement agreement.

2. Wound Care Center Cases

U.S. ex rel. Parslow v. Columbia/HCA Healthcare Corp., et al., No. 99-3338 and

U.S. ex rel. Lanni v. Curative Health Services, Inc., et al., No. 00-2584.

Status: The allegations in both *Parslow* and *Lanni* relate to wound care centers operated at HCA facilities and managed by Curative. Curative is named as a defendant only in *Parslow*.

The United States' motion to strike HCA's affirmative defenses remains pending.

There are three pending discovery motions in this matter: relator Parslow's motion to use certain wound care related documents in the prosecution of his claim, HCA's motion to seal its

opposition to relator Parslow's motion to use certain wound care documents, and HCA's supplemental motion to seal certain attachments to the United States' statement of interest in support of relator's motion.

Although the Court has not yet entered a scheduling order in the wound care cases, written discovery in these matters has commenced and is ongoing.

Expected activity this month: Discovery has commenced and is expected to continue.

Status of settlement negotiations and expected settlement activity this month: The parties met in January to continue settlement discussions. HCA had agreed to provide additional data in support of its offer by February 22 and is now scheduled to do so on April 19.

The United States and defendant Curative have reached a settlement of the allegations pertaining to Curative in the *Parslow* matter, which resulted in entry of a stipulation of dismissal of a related case in the United States District Court for the Southern District of New York and the filing of a stipulation to dismiss Curative from the *Parslow* action in this Court on January 7, 2002, which remains pending.

3. Physician Kickback Cases

U.S. ex rel. Thompson v. HCA – The Healthcare Company, et al., 99-3302;

U.S. ex rel. King v. HCA - The Healthcare Company, et al., No. 99-3306 and

U. S. ex rel. Mroz v. HCA - The Healthcare Company, et al, No. 99-3295.

Status: These cases allege that HCA engaged in improper financial relationships with physicians from whom HCA received substantial patient referrals. The *Thompson* case concerns allegations of improper physician kickback arrangements at HCA facilities in the Corpus Christi,

Texas, area and elsewhere in the United States. The *King* matter concerns improper kickbacks paid to referring physicians by HCA facilities in El Paso, Texas. The *Mroz* case relates to improper kickbacks at HCA facilities in the Miami area.

The United States' motion to strike HCA's affirmative defenses remains pending.

Although the Court has not yet entered a scheduling order in the physician kickback cases, written discovery in these matters has commenced and is ongoing. The United States and HCA filed a Joint Status Report and Request for a Scheduling Order on February 28, 2002, advising the Court that developments in discovery to date, as well as discovery disputes anticipated by the parties to ripen into motions practice in the near future, render certain aspects of the July proposed order moot. The United States and HCA jointly tendered a new proposed scheduling order to more accurately reflect the current status of these matters.

Expected activity this month: The United States expects discovery to continue.

Status of settlement negotiations and expected settlement activity this month: On January 29, 2002, HCA responded with a settlement offer to the United States' settlement demand of April 11, 2001. On February 21, HCA presented to the United States additional information in support of its settlement offer. The parties thereafter met to discuss the possibility of settling the allegations in these *qui tams*, as well as allegations in the wound care and cost report cases, but no agreement was reached.

B. Declined, Settled and Dismissed Cases

U.S. ex rel. Adams v. Columbia/HCA Healthcare Corp., No. 99-3309

Status: No new developments this month in this declined matter. Discovery has been

stayed pending decision on the United States' suggestion of dismissal and HCA's motions.

U.S. ex rel. Atchison v. Columbia/HCA Healthcare, Inc., No. 99-3299 (TN);

U.S. ex rel. Atchison v. Columbia/HCA Healthcare, Inc., No. 99-3307 (TX).

_____ Status: No new developments this month in this declined matter. Discovery has been stayed pending decision on HCA's motions.

U.S. ex rel. Baker, et al., v. Columbia/HCA Healthcare Corp., et al., No. 99-3308

_____ Status: No new developments this month in this declined matter. Discovery has been stayed pending decision on the United States' suggestion of dismissal and HCA's motions.

U.S. ex rel. Barrett, et al. v. Columbia/HCA Healthcare Corp., et al., No. 99-3304

_____ Status: No new developments this month in this declined matter. Discovery has been stayed pending decision on HCA's motion.

U.S. ex rel. Buck v. St. Petersburg General Hospital, et al., No. 99-3291

_____ Status: No new developments this month in this declined matter. The United States believes that relator has not served the complaint.

U.S. ex rel. Christian, et al., v. Columbia/HCA Healthcare Corp., et al., No. 99-3303

_____ Status: This case was resolved in its entirety as part of the \$745 million settlement approved by the Court on August 7, 2001.

U.S. ex rel. Cianci v. Columbia/HCA Healthcare Corp., et al., No. 00-2581

Status: Pursuant to this Court's Order of July 6, 2001, this case has been dismissed.

U.S. ex rel. Hampton v. Columbia/HCA Healthcare Corp., et al., No. 99-3294

Status: Pursuant to this Court's Order of July 6, 2001, this case has been dismissed.

Relator Hampton filed a notice of appeal on August 3, 2001, and a briefing schedule has been issued by the United States Court of Appeals for the District of Columbia Circuit.

U.S. ex rel. Health Outcomes Technologies v. Columbia Medical Center-East, et al., No. 99-3297

_____ Status: This case was resolved in its entirety as part of the \$745 million settlement approved by the Court on August 7, 2001.

U.S. ex rel. Hockett, et al., v. Columbia/HCA Healthcare Corp., et al., No. 99-3311

_____ Status: Discovery had been stayed pending decision on defendants' motions. However, on April 12, 2002, relator's counsel filed an emergency motion with this Court seeking leave to depose relator Debra Hockett on April 17, 2002, alleging she is gravely ill and that an expedited deposition was necessary to preserve her testimony. HCA responded on April 15, 2002, objecting to the April 17 date but offering the week of April 29 as an alternative.

_____ U.S. ex rel. McCready v. Columbia North Monroe Hospital, et al., No. 00-1846

_____ Status: No new developments this month in this declined matter. Discovery has been

stayed pending decision on defendants' motions.

U.S. ex rel. McLendon v. Columbia Healthcare Corp., et al., No. 99-3295

_____ Status: This case was resolved in its entirety as part of the \$745 million settlement approved by the Court on August 7, 2001.

U.S. ex rel. Ortega v. Columbia/HCA Healthcare Corp., et al., No. 99-3305

_____ Status: No new developments this month in this declined matter. Discovery has been stayed pending decision on the United States' and HCA's motions.

U.S. ex rel. Pogue v. Diabetes Treatment Centers of America, Inc., et al., No. 99-3298

_____ Status: This matter concerns allegations the DTCA, a subcontractor to HCA, paid prohibited kickbacks to physicians to generate referrals for its program and its client hospitals, including defendant West Paces Medical Center and other HCA hospitals as well as other non-HCA hospitals.

Relator on February 22 filed a motion to compel discovery from the defendant Diabetes Treatment Centers of America ("DTCA"). Briefing on that motion is now complete, but relator's counsel has advised that relator anticipates filing similar motions to compel discovery from HCA and from DTCA's corporate parent. On March 26, relator filed a motion to replace the transferee court's Protective Order governing trade secret and other confidential business information with a form of order consistent with that submitted by the United States and HCA to govern the intervened cases in this MDL. The HCA-hospital defendant in the case filed an opposition to the

motion on April 8. On March 27, relator and Defendants jointly filed a proposed Protective Order to govern the production of protected health information. On April 4, the United States filed a Praecipe notifying the Court of its concerns that certain provisions prevented it from gaining access to documents designated under the Order, and proposing language to be inserted in the Order to accommodate such concerns. Relator and the HCA-hospital defendant have no objection to the insertion of the United States' proposed language; Defendants DTCA and Atlanta Physicians have not yet advised as to their position regarding a revised order. The HCA-hospital defendant has advised relator that it will not produce documents containing protected health information until entry of this Order and will then only produce documents by providing relator access and an incomplete index to a collection of hospital documents moved to a warehouse from the now closed hospital.

U.S. ex rel. Rappaport v. Hospital Corp. of America, et al., No. 99-3288

Status: The DRG upcoding claims presented in this case were resolved in their entirety as part of the \$745 million settlement approved by the Court on August 7, 2001. There have been no new developments this month in the remainder of the case. The United States believes that relator has not served the complaint.

U.S. ex rel. Scussel v. Patton Medical, Inc., et al., No. 99-3293

Status: No new developments this month in this declined matter. Discovery has been stayed pending decision on defendants' motions.

U.S. ex rel. Skinner v. Columbia/HCA Healthcare Corp., et al., No. 99-3312

Status: Pursuant to the Court's January 30 Order, this case has been dismissed.

U.S. ex rel. Richard Thompson v. Columbia/HCA Healthcare Corp., et al., No. 99-3296

Status: Pursuant to the Court's January 30 Order, this case has been dismissed.

U.S. ex rel. Wright v. McKinney Hospital Venture, et al., No. 99-3300

Status: The United States, HCA, and relator reached a settlement of this matter and on February 2, 2001, filed a stipulation of dismissal of this matter, which remains pending. There have been no further developments in this case this month.

U.S. ex rel. Wyman, et al. v. HealthTrust, et al., No. 99-3310

Status: This case was resolved in its entirety as part of the \$745 million settlement approved by the Court on August 7, 2001.

* * *

Respectfully submitted,

ROBERT D. McCALLUM, JR.
Assistant Attorney General

ROSCOE C. HOWARD, JR.
United States Attorney, DC Bar # 246470

_____/s/_____
MARK E. NAGLE, DC Bar #416364
DORIS COLES HUFF, DC Bar #461437
Assistant United States Attorneys

_____/s/_____
MICHAEL F. HERTZ, DC Bar #965780
JOYCE R. BRANDA, DC Bar #246363
JONATHAN L. DIESENHAUS, DC Bar #423753
JAMIE ANN YAVELBERG, DC Bar #445473
Attorneys, Department of Justice
Civil Division
Post Office Box 261
Ben Franklin Station
Washington, DC 20044
Tel: (202) 514-6514
Fax: (202) 305-7797

DATED: _____

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of April 2002, a copy of the foregoing United States' Status Report was served via first-class mail; postage prepaid addressed to all the individuals listed on the attached MDL service list.

_____/s/_____

M. Clay Alspaugh, Esq.
Hogan, Smith & Alspaugh, P.C.
2323 Second Avenue North
Birmingham, AL 35203

John W. Andrews, Esq.
Andrews Law Group
3220 Henderson Blvd.
Tampa, FL 33609

Kay Lynn Brumbaugh, Esq.
Strasburger & Price, L.L.P.
901 Main Street, Suite 4300
Dallas, TX 75202

Mike Bothwell, Esq.
Mike Bothwell, P.C.
304 Macy Drive
Roswell, GA 30076-6354

Peter W. Chatfield, Esq.
Phillips & Cohen, LLP
2000 Massachusetts Ave., N.W.
First Floor
Washington, DC 20036

John E. Clark, Esq.
Goode, Casseb, Jones, Riklin, Choate &
Watson, P.C.
2122 North Main Avenue
P.O. Box 120480
San Antonio, TX 78212

Colbert N. Coldwell
Guevara, Rebe, Baumann,
Coldwell & Reedman, LLP
4171 N. Mesa, Suite B-201, The Commons
El Paso, TX 79902

John G. Despriet, Esq.
Smith, Cambrell & Russell, LLP
Promenade II, Suite 3100
1230 Peachtree Street, N.E.
Atlanta, GA 30309

Craig A. Gillen, Esq.
One Securities Centre, Suite 1050
3490 Piedmont Road, N.E.
Atlanta, GA 30305

Roger S. Goldman, Esq.
Latham & Watkins
555 11th Street, N.W., Suite 1000
Washington, DC 20004

R. Gaines Griffin, Esq.
Davidson & Troilo, P.C.
7550 West I.H. 10 West, Suite 800
San Antonio, TX 78229

Andrew Grosso, Esq.
2121 K Street, N.W., Suite 800
Washington, DC 20037

Adam S. Hoffinger, Esq.
Piper, Marbury, Rudnick & Wolfe, LLP
1200 19th Street, N.W., Suite 700
Washington, DC 20036-2412

Mark T. Hurt, Esq.
159 West Main Street
Abingdon, VA 24210

Van Huseman, Esq.
White, Huseman & Pletcher
600 Leopard Street, Suite 2100
Corpus Christie, TX 78473

Steven C. James
521 Texas Avenue
El Paso, TX 79901

Bryan E. Larson, Esq.
Bass, Berry & Sims, PLC
315 Deaderick Street, Suite 2700
Nashville, TN 37238-0002

Carol Loepere
Reed Smith
1301 K Street, N.W.
Suite 1100 - East Tower
Washington, D.C. 20005-3373

Todd E. Marshall
Ray, McChristian & Jeans
5822 Cromo, Suite 400
El Paso, TX 779912

Frederick M. Morgan
Helmer, Martins & Morgan
105 East 4th Street, Suite 1900
Cincinnati, OH 45202

C. Thomas Miller, Esq.
Whitlow, Roberts, Houston & Straub
300 Broadway Street
Post Office Box 995
Paducah, KY 42002-0995

Christopher A. Myers, Esq.
Holland & Knight, LLP
2100 Pennsylvania Avenue, N.W.
Suite 400
Washington, DC 20037

Michael K. Fee
Ropes & Gray
One International Place
Boston, MA 02110-2624

John P. Panneton
Friedman, Collard, Cutter, & Panneton
7750 College Town Drive, #300
Sacramento, CA 95826

Henry L. Paul, Esq.
Paul & Singer, P.A.
100 South Ashley Drive, Suite 1720
Tampa, FL 33602

David L. Perry, Esq.
Perry & Haas, L.L.P.
802 North Carancahua
2300 Frost Bank Plaza
Corpus Christi, TX 78470

Lesley Skillen, Esq.
Getnick & Getnick
12 East 49th Street
31st Floor, Tower 49
New York, N.Y. 10017

R. Gary Stephens, Esq.
Stephens & Stephens
7407 Old Katy Road, Suite 200
Houston, TX 77024

Jeffrey S. Thompson, Esq.
Williams Bailey Law Firm, L.L.P.
8441 Gulf Freeway, Suite 600
Houston, TX 77017

Scott J. Topolski, Esq.
Rutherford, Mulhall & Wargo, P.A.
2600 N. Military Trail
Fourth Floor
Boca Raton, FL 33431-6348

Robert P. Trout, Esq.
John Thorpe Richards, Jr., Esq.
Trout & Richards, P.L.L.C.
1100 Connecticut Ave., N.W., Ste. 730
Washington, DC 20036